

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

BRIAN TARKENTON,

Plaintiff,

v.

ORDER

21-cv-684-wmc

JAIL NURSE JANE DOE 1,
JAIL NURSE JOHN DOE 2,
DEPUTY JOHN DOE 3, and
ER DOCTOR JANE DOE 4,

Defendants.

Plaintiff Brian Tarkenton filed a motion to enforce a subpoena he served on the Chief Legal Officer of Wellpath Group Holdings (dkt. #37), and a motion to extend his August 11 deadline to identify the Doe defendants (dkt. #38). Plaintiff represents that he served Wellpath by sending the subpoena via certified mail to Wellpath's chief legal officer and received no response. However, Federal Rule of Civil Procedure 45(c)(2)(a) requires production of documents within 100 miles of the subpoena recipient, and the chief legal officer is located in Tennessee. So, this motion is DENIED. That said, it does not appear that plaintiff needs the materials from Wellpath to identify the Doe defendants employed by Wellpath; he should be able to use the medical records from the Dane County Jail to locate the names of those individuals. In addition defense counsel Schmidt indicated that she would attempt to obtain the names of those individuals from Wellpath as well. Accordingly, the motion to enforce the subpoena is DENIED, but the court will GRANT plaintiff's motion for an extension of time to file a third amended

complaint that identifies the Doe defendants. His new deadline to do so is **August 25, 2023**. If by that deadline plaintiff has not been able to locate the names of the Doe defendants employed by Wellpath, either through Attorney Schmidt or by reviewing his medical records, the court will determine next steps to identify those defendants.

Entered this 8th day of August, 2023.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge